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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 April 1998]

1. Liberation remains concerned at the persistent and systematic violation of human rights in several countries, and would like to draw particular attention to India and Sri Lanka.

2. In Punjab illegal detentions and torture continue. Liberation is concerned that much publicized fears, created by the police, of a revival in insurgency are being used to facilitate illegal detentions during which torture remains endemic. In a typical case false charges are made against a person before he is released, even where the alleged incident occurred after the detention. In a recent incident the Director General of Police gave a press statement that four "insurgents" had been arrested on the night of 10 March 1998 after a stolen truck was intercepted near Battla. It was later revealed that one of the men, Kewal Singh, had been arrested from his home on 7 March, three days before the alleged incident, as evidenced by an order for his release from the Punjab and Haryana High Court (No. 329 of 1998) on a habeas corpus petition. Nirmal Singh (Nima), a Sikh priest from Gurdaspur, has been missing for one week. He was arrested from his house in Singhpura, in Kurali, on the night of 8/9 April 1998 at 1.30 a.m. Witnesses report that he was severely beaten with rifle butts in the back of the police truck. One of the police officers concerned has stated that Mr. Singh has since escaped from police custody.

3. Human rights activists in Punjab also report increasing reluctance by the courts to consider petitions from victims of police violations, even in the face of overwhelming evidence. The Punjab and Haryana High Court recently dismissed the case of the disappearance of Charanjit Singh, who disappeared near Bathinda on 6 April 1991, despite a report by the Central Bureau of Investigation substantiating police involvement in the disappearance.

4. Courts in Punjab have also proved unable or unwilling to effectively monitor the proceedings in the case of human rights activist Jaswant Singh Khaira, who disappeared in September 1995. Two witnesses who gave evidence of police involvement in Khaira's disappearance have suffered police harassment. Kikar Singh, who saw Khaira in Kang Police Station where he himself was illegally detained, reported that Khaira was unable to stand or feed himself as a result of torture. Kikar Singh has had numerous false charges made against him and is presently in Nabha jail awaiting trial. Police constable Kuldip Singh, who also saw Khaira in police custody, disappeared from his home nearly two weeks ago. After media interest his parents retracted their comments that he had disappeared, and said that he was staying with relatives. Human rights activists who have contacted the family have ascertained that this statement was made under police pressure, and Kuldip Singh's whereabouts remain unknown.

5. One of the police officers implicated in Khaira's disappearance, Jaspal Singh, remains on bail in the case of K.S. Dhatt despite strong evidence of witness harassment and persistent attempts to make the family withdraw the charges. A petition to withdraw bail has been adjourned 30 times by the Punjab and Haryana High Court.

6. Liberation is concerned about the apparent inability of the courts to monitor detentions and the treatment of detainees. Narinderjit Singh from Kapurthala has remained in police custody for over one month. The police have

failed to produce Mr. Singh in Kapurthala court on a number of occasions. Such a practice clearly facilitates the severe torture which Mr. Singh is reported to have suffered.

7. These are only some of the latest examples of a systematic pattern of abuses that have occurred over 15 years. Liberation believes that such cases demonstrate that the Punjab police have still not been brought under effective judicial control, and that compliance with international human rights instruments by the State of India remains lax.

8. We are also concerned at India's apparent policy of trying to restrict freedom of expression in Indian communities outside India by denying visas for those who have exposed human rights violations or who have expressed opinions at variance with India's own on relations between the central Government and the states.

9. Liberation urges the Commission to encourage the Indian Government, which has recently signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to drop its opposition to a visit by the Special Rapporteur on torture. In view of well-documented human rights violations in the north-eastern states of India such as Manipur, Assam and Nagaland, as well as continuing abuses in Kashmir and Punjab, Liberation would also urge the Commission to appoint a Special Rapporteur for India.

10. Liberation is also deeply concerned that the continuing violations of fundamental human rights in Sri Lanka. Liberation urges the Commission to appoint a country rapporteur to examine widespread allegations of human rights abuses, particularly those against the minority Tamil population. Liberation has received accounts of continuing acts of ethnic cleansing of Tamils in the north-east, of frequent incidents of rape, extrajudicial killings and of over 700 disappearances in 1996 and 1997. We urge the Commission to encourage the Sri Lankan Government to take urgent steps to end violations by government forces and to enter a process of negotiation with Tamil leaders with a view to restoring all internationally recognized rights to the Tamil population.